

**IN THE UNITED STATES DISTRICT COURT
THE MIDDLE DISTRICT OF ALABAMA**

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EDRA P. A. MCNETT, CLK
U.S. DISTRICT COURT
MIDDLE DISTRICT ALA

**JOHN WILLIE MINNIFIELD,
PETITIONER,**

-V-

2:06-CV-0054-WKW

**ARNOLD HOLT, ET, AL.
RESPONDENT,**

**AMEND TO ORDER STATE TO DISMISS
SUPPLEMENTAL RESPONSE**

Comes now the Petitioner, john willie minnifield, on his behalf in response to Attorney General Brief filed on the 14th day of July, 2006 thus I hope and pray this Honorable Magistrate take note of the Brief filed by the Petitioner and the State in practice of the Attorney General Office has a habit of misleading this Court.

However, first it was barred by the A.E.D.P.A. until the Petitioner produced records to show I was not barred by the One (1) year Statute of Limitation thus Mr. Prude agreed there he claimed I could file a Writ of Mandamus which I proved that claim now he just came back and raised procedural default which has never been raised by he state before thus in knowingly how the state deprived one of his Civil and Constitutional Right and construe the record when this Court asked for the records of all proceedings the Attorney General is still misleading this Court through its deception practice of violation the substantial right of John Willie Minnifield his supplemental response he keep saying Rule 32 defaulted his claim he is construing the basic of Federal Habeas Corpus therefore misleading this Court on what these proceedings is all about.

Form Direct Appeal the Petitioner did allow the State Court a round to act by State Habeas Corpus and Direct Appeal any Rule 32 filed after the State Habeas Corpus is without effect thus the Court cannot rule on motion while one motion is being standing in Court for over two years though no fault of mines and put before the wrong judge and not sentencing judge the practice of the Attorney General the

Honorable Judge Charles Price was not suppose to rule on the State Habeas Corpus some two years whereas the Honorable Sally Greenhaw was the sentencing judge and the Honorable District Attorney Helen Brooks had jurisdiction to rule not the Attorney General Office which shows the State Court is conspiring to deprive John Willie Minnifield of his liberty Mr. Prude seem to be missing the point of the entire proceedings Direct Appeal the only way to get Mr. Prude to understand this proceedings is for an evidentiary hearing once this is substantiated that there is no procedural ground that John Willie Minnifield defaulted.

The only procedural default is not by the Petitioner thus the State has default on its claim by raising claims that is irrelevant to the cause Rule 32 and/or i.e. others causes and withholding crucial evidence from the Honorable Magistrate Susan Russ Walker when this Court Ordered the Attorney General Esquire J. Prude to turn over all the records to deceive this Court so the State of Alabama will through the Judicial System that knowingly and intentionally subject it citizens to this type of imprisonment on several occasion you Order Mr. Prude to turn over all the records he has access to and can obtain in this proceeding just this week these exhibits were obtained which Mr. Prude has been for nearly two or three years thus a contempt of this Court therefore should be held according to answer for his action which shows this Court of that the state erroneous misconduct.

The Petitioner is willingly to have his conviction set aside and go through a new trial or proceeding that confirmed with the Constitution to a fair trial and or proceeding in State Court which the Petitioner will show there was only a conspiracy to violate John Willie Minnifield's Civil and Constitutional Rights to false imprisonment this Court can see the state has violated this Court Order on several occasion which has defaulted on the deadline therefore concocting words which in essence lying to this Court and deceiving it Honorable Magistrate.

The Petitioner hopes and pray that this Court allow me to through this Court to supoena witness and produce evidence through appointment through counsel to show my actual innocent and miscarriage of justice by the state judicial system See: 2 exhibits FRAP 23. C.

The Petitioner in this proceeding ask this Court to Order the State of Alabama and Warden Arnold Holt to release John Willie Minnifield from custody while the Order of this Court is under review by action of the State Court on his own recognized which is not a threat to anyone or self the Petitioner has never absconded bail therefore no risk to the community.

Respectfully Submitted,

John Willie Minnifield #112145
John Willie Minnifield, Petitioner
Bullock County Correctional Facility
Post Office Box 5107
Union Springs, Alabama 36089-5107

CERTIFICATE OF SERVICE

I hereby certify that I have served copies of the foregoing Motion via United States Mail postage prepaid this the 31st day of July, 2006 upon the Assistant District Attorney, and the Clerk of the United States District Court by placing same in the Legal Mail Box here at Bullock Correctional Facility.

John Willie Minnifield #112145
John Willie Minnifield, Petitioner
Post Office Box 5107
Union Springs, Alabama 36089-5107

CC: Esquire James Prude
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Middle District of Alabama
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